

Stalking in America

Stalking generally refers to harassing or threatening behavior that an individual engages in repeatedly, such as following a person, appearing at a person's home or place of business, making harassing phone calls, leaving written messages or objects, or vandalizing a person's property. These actions may or may not be accompanied by a credible threat of serious harm, and they may or may not be precursors to an assault or murder.

Legal definitions of stalking vary widely from state to state. Though most states define stalking as the willful, malicious, and repeated following and harassing of another person, some states include in their definition such activities as lying-in-wait, surveillance, nonconsensual communication, telephone harassment, and vandalism. While most states require that the alleged stalker engage in a course of conduct showing that the crime was not an isolated event, some states specify how many acts (usually two or more) must occur before the conduct can be considered stalking. Most stalking laws require that the perpetrator, to qualify as a stalker, make a credible threat of violence against the victim; others include in their requirements threats against the victim's immediate family; and still others require only that the alleged stalker's course of conduct constitute an implied threat.

The National Institute of Justice and the Centers for Disease Control and Prevention cosponsored a nationally representative phone survey of 8,000 women and 8,000 men, aged 18 years and older. The survey was conducted by the Center for Policy Research between November 1995 - May 1996. This was the first national research study to examine the problem of stalking. The study provides data on the prevalence of stalking, the characteristics of stalking, and the consequences of stalking. Key findings of the study include:

- Stalking is more prevalent than previously thought: 8% of women and 2% of men in the United States have been stalked at some time in their life; an estimated 1,006,970 women and 370,990 men are stalked annually.
- American Indian/Alaska Native women are significantly more likely to report being stalked than women of other racial or ethnic backgrounds.
- Although stalking is a gender-neutral crime, most (78%) of stalking victims are female and most (87%) of stalking perpetrators are male.
- Adults between 18 and 29 years of age are the primary targets of stalking, comprising 52% of all victims.
- Most stalking cases involve perpetrators and victims who know each other; 23% of all female victims and 36% of all male victims are stalked by strangers.
- Women are significantly more likely than men (59% and 30%, respectively) to be stalked by intimate partners, about half of whom stalk their partners while the relationship is intact.
- There is a strong link between stalking and other forms of violence in intimate relationships: 81% of women who were stalked by a current or former husband or cohabiting partner were also physically assaulted by that partner and 31% were also sexually assaulted by that partner.
- The average stalking case lasts 1.8 years. Nearly one-fifth of all stalking victims move to new locations to escape their stalkers.

Source: National Institute of Justice, Centers for Disease Control and Prevention

Missouri Women's Council

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Stalking Laws in Missouri

Stalking, as defined by the Missouri Revised Statutes, 565.255 Crime of Stalking - Definitions - Penalties, Amended 2002 states:

1. As used in this section, the following terms shall mean:
 - (1) "Course of conduct", a pattern of conduct composed of a series of acts which may include electronic or other communications, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct". Such constitutionally protected activity includes picketing or other organized protests.
 - (2) "Credible threat", a threat made with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety. The threat must be against the life of, or a threat to cause physical injury to, a person and may include a threat communicated to the target person in writing, including electronic communications, by telephone, or by the posting of a site or message that is accessible via computer.
 - (3) "Harasses", to engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person to suffer substantial emotional distress, and that actually causes substantial emotional distress to that person.
2. Any person who purposely and repeatedly harasses or follows with the intent of harassing another person commits the crime of stalking.
3. Any person who purposely and repeatedly harasses or follows with the intent of harassing or harasses another person, and makes a credible threat with the intent to place that person in reasonable fear of death or serious physical injury, commits the crime of aggravated stalking.
4. The crime of stalking shall be a class A misdemeanor for the first offense. A second or subsequent offense within five years of a previous finding or plea of guilt against any victim shall be a class D felony.
5. The crime of aggravated stalking shall be a class D felony for the first offense. A second or subsequent offense within five years of a previous finding or plea of guilt against any victim shall be a class C felony.
6. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.

How Can You Help a Victim or Yourself if You are a Victim?

- Provide support and validation because threatening and harassing behavior alone, without accompanying violence is often minimized or discounted.
- Remind the victim to check out the applicable state anti-stalking statutes.
- Help the victim to develop a paper trail documenting evidence of stalking. Caller ID records, logs of phone calls, copies of threatening letters, pictures of injuries, or of the stalker sitting outside the home, are examples of evidence that may help build a case.
- Inform law enforcement officials about the stalking and provide them with this evidence to support a case. If law enforcement officials refuse to conduct an investigation, consider contacting the prosecuting attorney's office, or a local victim assistance agency. A victim may be eligible to obtain a restraining or protective order.
- Remember, even restraining orders do not always prevent stalking from escalating into violence. Develop a safety plan. Inform friends, neighbors, and coworkers about the situation. Show them a photo of the stalker.
- Consider obtaining an unlisted phone number for private use, and set up an answering machine to receive calls to the published number.
- Have easy access to a reserve set of money, credit cards, medication, important papers, keys and other valuables in case you need to leave quickly. Have a safe place in mind that you can go in an emergency.
- Keep the phone numbers of assistance agencies easily accessible.
- Try not to travel alone and always vary your routes. Consider carrying a cellular phone with you.